

273 Amendment 273
Main Annual Provision

Made on

Oct. 12/18

Referred to
Com on Miscellaneous
Subjects.

Geo. A. Thompson
Asst. Secy.

Read in Com
General

Jan. 25, 1849
Reported back with
Substitute amendment,
No. 538, J. M. Wright
Asst. Secretary

Meeting of
Santa Cruz

Sec 30 The Legislature shall provide for the appointment of three Bank and Insurance Commissioners with full power to investigate the affairs of saving banks Insurance Companies and all moneyed institutions of a public character ^{The Commissioners} to be appointed by the Governor by and with the consent of the Senate. Their compensation shall be fixed by law and shall be paid by the Banks and Insurance Companies in the manner proscribed by law.

Sec 31 The Bank and Insurance Commissioners shall report to the Governor as often as once in six months the condition of the various Banks and Insurance Companies of the State and he shall take such action thereon as he shall deem for the public good.

Offered by Edmund
of Sub terms
Oct 15 1878

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*For Miscellaneous Committee
In Relation
To*

GENERAL PROVISIONS.

ARTICLE ~~II~~ *Blank*

SEC. 1. The Legislature shall not in any manner "create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means for the payment of the interest of such debt or liability, as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and

discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people."

SEC. 2. The city of Sacramento is hereby declared the seat of government of this State, and shall so remain until changed by law, but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified voters of the State, voting therefor at a general State election, under such regulations and provisions as the Legislature may provide submitting the question of change to the people.

SEC. 3. The Legislature shall provide for the election of a Board of Supervisors in each County in the State, to consist of five members, to be elected by districts. The Supervisors shall jointly and individually perform such duties as may be prescribed by law, legislative or otherwise.

SEC. 4. The Supervisors shall be elected at general State elections, and shall hold their office for two years.

SEC. 5. The fiscal year shall commence on the first day of January of each year.

SEC. 6. No contract of marriage shall be invalidated for "want of conformity to the requirements of any religious sect." But no marriage hereafter contracted in this State shall be valid unless celebrated before some public officer, priest or minister of the gospel, and a public record thereof made, as shall be provided by law.

SEC. 7. The homestead, not exceeding five thousand dollars in value, and such other reasonable amount of property as may be determined by law, of all heads of families shall be exempt from forced sale.

SEC. 8. The Legislature shall provide by law, that no person shall act as juror oftener than once in six months.

SEC. 9. All property, either real or personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards, by gift, devise or descent, shall be their separate property.

SEC. 10. A plurality of votes given at any election shall constitute a choice, when not otherwise directed in this Constitution.

SEC. 11. Each county, town, city and incorporated village "shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe."

SEC. ~~20~~ 12. When the Legislature is called together by a proclamation of the Governor for an extra or special session, each member shall receive one hundred and fifty dollars, which shall be in full compensation for all services and mileage of such special session; and any member who neglects to attend such session, without reasonable excuse, shall forfeit his office and shall never thereafter be eligible to a seat in the Legislature of this State.

SEC. ~~20~~ 13. The Supervisors of the various counties of this State shall receive for their services an annual salary of one hundred and fifty dollars and one dollar for every twenty miles of travel from their place of residence to the county seat and back, and this shall be in full for all services rendered by them, and they shall hold such sessions for business as may be prescribed by the Legislature.

SEC. ~~21~~ 14. The compensation of any officer or employee under the Government of this State shall neither be increased or decreased during the term for which such officer or employee is elected or appointed.

SEC. ~~22~~ 15. None of the State officers shall be entitled to a deputy, but they shall be entitled to whatever clerical assistance is necessary to the proper fulfillment of their duties; but no clerk in any of the State offices shall receive a higher salary per annum than eighteen hundred dollars, and no clerk shall be employed without the consent of the Legislature, which shall be expressed by an appropriation for compensation.

SEC. ~~23~~ 16. Each House of the Legislature when in session shall be entitled to three clerks and no more, except at the first session, when they may employ five. Each clerk shall be entitled to a per diem pay of five dollars. They shall employ no pages, postmasters or letter carriers. Each House shall be entitled to a Sergeant-at-Arms and one Assistant Sergeant-at-Arms, and one Porter or Janitor, and the per diem pay of any one of these employees shall not exceed five dollars.

SEC. ~~24~~ 17. The Legislature shall designate by law a safe mode of transmitting taxes, collected in the various counties of the State, to the State Treasurer, which shall make it unnecessary for the County Treasurer to visit the State Capitol for the purpose.

SEC. ~~25~~ 18. In all cases where land is sold under a foreclosure of a mortgage upon real estate, the owner of the land shall have one year to redeem the mortgaged premises, by paying the cost of foreclosure and seven per cent. interest on the amount of the judgment, and the right of possession of the premises for the entire year.

SEC. ~~20~~ ¹⁹ Where real estate is sold for taxes, the owner of the property sold shall have the right of possession for one year, and of redemption for the same time, by paying ten per cent. additional on the taxes at the time of redemption.

SEC. ~~21~~ ²⁰ The trial and determination of contested elections of Electors of President and Vice-President, members of the Legislature and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the Legislature shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

SEC. ~~22~~ ²¹ The Legislature shall, by suitable enactments of law, prevent, as far as possible, the monopoly of public lands by individuals, associations or corporations for speculative purposes.

SEC. ~~23~~ ²² The Legislature may aid and encourage four agricultural societies in the State—one for each Congressional district—to be located in each district as may be directed by law, but the annual appropriation to any such society shall not exceed two thousand dollars; but no agricultural society shall in future be recognized as the State Agricultural Society, nor shall any money be appropriated out of the State Treasury for any such society.

SEC. ~~24~~ ²³ After the adoption of this Constitution no person in the State shall take by will, or devise, more than one thousand acres of land, and no deed made by the maker immediately before death for the purpose of evading this prohibition shall be valid.

SEC. ~~25~~ ²⁴ The Governor may, by proclamation, convene the Senate at any time he may need their advice, without convening the Assembly, and at such sessions each Senator shall be entitled to one hundred dollars as compensation for his services, and no more.

SEC. ~~26~~ ²⁵ The Legislature shall, by provision of law, remove the State Library to a suitable building in the city of San Francisco, reserving only such books at the State capital as treat of the laws of the United States, the laws of California, and those of all other States of the Union.

SEC. ~~27~~ ²⁶ The State Library, when located in San Francisco, shall be free to all, under such regulations as shall be prescribed by law.

SEC. ~~28~~ ²⁷ Until the State is out of debt, no money shall be appropriated out of the State Treasury for any addition to the State Library, nor to any further improvements of the State Capitol or State Capitol grounds.

SEC. ~~29~~ ²⁸ The Governor of the State and all other officers of the State whose duties shall require them to travel from place to place in fulfilling those duties, shall be allowed, in addition to their annual salary, the actual traveling expenses paid out by them.

SEC. ~~30~~ ²⁹ All warrants on the Treasury shall be drawn by the Governor, countersigned by the Secretary of State, and indorsed with these words, "Drawn in accordance with law," which indorsement shall be signed by the Attorney General.

274
Amendment 274
Martin

In Relation to
the
Judiciary Dept

Oct. ~~19~~ 1878
Referred to the
Judiciary Com.
Geo. A. Thornton
Asst. Secy.

Nov 13 of 8
Referred back with
Substitute Am No 503

Thornton
Asst Secy

Worthy of
Indication Sta. Comg

In Relation To the

JUDICIAL DEPARTMENT,

SEC. 1. The judicial power of the State shall be vested in a Supreme Court, in District Courts, and in Justices of the Peace, and one Police or Criminal Court for each incorporated city or town that has a population of over fifty thousand inhabitants, and no more than one such court except at the unanimous request of the legislative department of such incorporated city or town.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three of these Justices shall be necessary for the transaction of business, except such business as may be done in Chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at general State elections.

SEC. 4. The Chief Justice shall be elected by a vote of the State at large, and the four Associate Justices by single districts which shall be for the present the same as the Congressional districts, and thence afterward by districts such as the Legislature may from time to time form, to preserve as much as possible equality in population between said districts.

SEC. 5. The term of office of the Chief Justice and four Associate Justices shall be ten years, dating from their inauguration, and any Chief Justice or Associate Justice who shall be re-elected at the expiration of his first term, shall hold his office thereafter during good behavior, but not after he reaches the age of seventy-one years,

SEC. 6. The first election for Justice of the Supreme Court shall be at the general election in September, 1879, and thence afterwards, when such elections shall be required, on the first Monday after the first Tuesday in November, and inaugurated in office on the second Monday after the first Tuesday in January subsequent to their election.

SEC. 7. When a vacancy shall occur in the Supreme Court by death, resignation, or from any cause whatever, the vacant place or places shall be filled by election at the next ensuing general State election, but if such election is more than six months from the date of the vacancy occurring the Governor shall fill the place by appointment, and the appointee shall hold his place until a successor shall be elected and qualified as herein provided.

SEC. 8. The Supreme Court shall have appellate jurisdiction in all cases in equity, also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand, exclusive of interest, amounts to five hundred dollars, also in cases of forcible entry and detainer, and in all probate matters; also in all criminal cases amounting to felony, on questions of law alone. The Court shall also have

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power to issue writs of mandamus, certiorari, prohibition and habeas corpus; and also all writs necessary or proper to complete exercise of its appellate jurisdiction: Each of the Justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or in the Supreme Court, or before any ~~County~~ District Court or Judge thereat.

The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than thirty consecutive days shall be deemed to have forfeited his office.

The District Courts shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine; and in all other cases in which the demand, exclusive of interest, amounts to two hundred dollars, and in all criminal cases not otherwise provided for; also in actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and all such special cases and proceedings as are not otherwise provided for; also of all matters of probate; and said Courts shall have the power of naturalization and to issue papers therefor. They shall have appellate jurisdiction in all cases arising in Justices, and such other inferior courts as may be established by the Legislature in their respective counties, upon questions of law alone. Said courts shall be always open (legal holidays and non-judicial days excepted), and their original jurisdiction shall extend to all parts of the State. Said courts and their judges shall have power to issue writs of habeas corpus on petition by or on behalf of any person in actual custody, in their respective counties.

There shall be in each of the organized counties or cities and counties of the State, a District

Court; for each of which a District Judge shall be elected by the qualified electors of the county or city and county at the general State election; provided, that in all the said counties or cities and counties containing more than fifty thousand inhabitants there shall be one such District Court and District Judge for every forty thousand inhabitants, and in all such cases said courts to be numbered from one upward in numerical order, as the Legislature may direct. The District Judges shall hold their offices for six years dating from the second Monday after the first Tuesday in January next, after their election.

SEC. 9. Any District Judge who shall be twice re-elected shall hold his office during good behavior after the second re-election, but not after he shall have reached the age of seventy-one years.

SEC. 10. The Justices of the Supreme Court and District Judges shall severally, during their continuance in office, receive for their services (quarterly) an annual salary which shall not be increased or diminished during the term for which they shall have been elected. District Judges shall be paid out of the County Treasury of their respective counties. The annual salary of the District Judges shall be fixed by

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the Legislature, not to exceed three thousand six hundred dollars in districts having more than thirty thousand inhabitants, and not to exceed two thousand dollars in districts having less than twenty thousand inhabitants. No District Judge or Justice of the Supreme Court shall, after the first day of July, 1880, be allowed to draw or receive any quarterly salary, unless they shall severally take and subscribe an oath before the disbursing officer that no case in their respective courts remains undecided, that has been submitted for decision, for the period of sixty days. The Legislature shall enforce this provision by appropriate legislation.

SEC. 11. District Judges shall be ineligible to any other office than a judicial office during the term for

which they shall have been elected, except in cases of resignation, and then not until two years after such resignation.

SEC. 12. Judges shall not charge Juries with respect to matters of fact; nor state the testimony.

SEC. 13. The style of all processes shall be, "We, the People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 14. The Justices of the Supreme Court shall be ineligible to any other office, State or Federal; during the term for which they shall have been elected, except in cases of resignation, and then not until two years after such resignation.

SEC. 15. The Justices shall appoint a reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary of eighteen hundred dollars, payable quarterly.

SEC. 16. The Legislature shall fix by law the jurisdiction of any criminal court authorized to be established in large cities, and shall fix by law the powers, duties and responsibilities of the Judges thereof.

SEC. 17. The unfinished business remaining in the Probate Court of the City and County of San Francisco shall be apportioned between the several District Courts therein established by the Board of Supervisors thereof, in such manner as the Legislature shall direct.

SEC. 18. There shall be one Justice of the Peace elected in each Township in the State, and the Legislature shall determine the number of Justices of the Peace to be elected in each incorporated city and town, and shall fix, by law, the powers, duties and responsibilities of Justices of the Peace; provided, such powers shall not in any case trench upon the jurisdiction of the several courts of record. The Supreme Court, the District Courts and such other courts as the Legislature shall declare to be shall be courts of record.

SEC. 19. The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix, by law, their duties and compensation. County Clerks shall be ex officio clerks of the courts of record and the Boards of Supervisors in and for their respective counties. The Legislature may also provide for the appointment by the several District Judges of one or more commissioners in their several counties, with authority to perform chamber business of the Judges of the District Courts, to take depositions and perform such other duties connected with the administration of justice as may be prescribed by law.

SEC. 20. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person.

The times and places of holding the several courts of record shall be provided for by law.

Introduced by
W. M. Lusk of
Santa Cruz.
Nov 14 & 1878

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Amendment 275
McCallum
In Relation

Now to Speedy
Decision ⁱⁿ of the
Court

Oct. ~~14~~ 14
Refers to the
Committee on
Judiciary

Geo. A. Thompson
Apt. Secy

Nov 13. ff
Reported back with
Substitute Am. to 303

Thomson
and see

McCallum
January

Proposed Amendment to
Article 3. To require more
speedy decisions in the courts,
Add to the end of Section

1. But the Legislature
may provide that causes
tried ~~in the courts~~ and
submitted in the courts
shall be decided within
a specified time, ~~or~~
~~on failure to do so~~
or on failure. Conditions
as to resubmission of
such cause.

McCallum

Judge

276.
Amendment 276

Relating to the
Appointment of
Assessors and
Collectors of
Revenue.

Rev. & Sax
Oct. 14/8
Referred to Com-
missioner & Taxation
Gen. A. Thouton
Asst. Secy

Nov. 18/8
Reported back with
Substitute Amendment
No. 570 J. M. Wright
Asst. Secy

Introduced by
Moreland

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Article -

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Section -

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The Supervisors of each County shall appoint in each Township thereof, an Assessor and Collector of Revenue for such Township, whose duties shall be prescribed by law, and who shall hold their offices for two years. No Assessor shall succeed himself in office.

277
Amendment 277
In
Relation to
Rights of Suffrage
Munroe

Oct 14/78
Referred to Com.
on Rights of Suffrage
Sec. A. Thornbr.
Asst. Secy

Nov 13. 78
Reported back with
substitute Am to 304
Thornbr
Asst Secy

Number
Rights of Suffrage

tration law with such amendments from time to time as they may think wise and beneficial.

SEC. 13. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge to go out of this State to fight a duel, shall be ineligible to any office in this State.

SEC. 14. No person holding a lucrative office or appointment under the Government of the United States, or under this State, shall be eligible to the Legislature, nor shall one person hold more than one lucrative office at the same time; provided, that offices in the militia, to which there is attached no annual salary, and the office of Postmaster, when the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

SEC. 15. No person, who shall hereafter be a collector or holder of public money, or receiver of money as an officer, shall be eligible to any office of trust or profit until he shall have accounted for and paid according to law all money for which he is or may be liable.

SEC. 16. No person shall be in the receipt, at the same time, of more than one official salary or compensation.

SEC. 17. All elections by the Legislature, or either House thereof, shall be *viva voce*.

*Introduced by
H. K. Turner*

In Regulation

SUFFRAGE AND ELECTIONS.

SEC. 1. All elections shall be free and equal.

SEC. 2. All votes shall be by ballot.

SEC. 3. No alien Chinaman shall ever have the right of suffrage.

SEC. 4. Every male citizen of the United States of the age of twenty-one years, who shall have been a resident of this State one year, of the county ninety days, and of the election district thirty days preceding any election therein, shall be entitled to vote.

SEC. 5. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest on the day of election, during their attendance at such election and in going to and returning from the same. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger.

SEC. 6. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the Uni-

ted States, or of the high seas; nor while a student in any seminary of learning, nor while kept at any almshouse or other asylum, nor while confined in any public prison; but no person, while confined in any prison, or supported in any public asylum, shall have any right to vote during such confinement or support. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crimes shall be eligible to the Legislature, or to any office of profit or trust in this State.

SEC. 7. No soldier, seaman or mariner, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 8. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

SEC. 9. No idiot, insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 10. Every male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th day of May, 1848, shall be an elector and citizen of this State, and entitled to all the privileges of a native born citizen of the United States.

SEC. 11. Every person shall be disqualified from holding office during the term for which he may have been elected who shall have given or offered a bribe or rewards to procure his election.

SEC. 12. The Legislature shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting elections, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct, and shall continue the present regis-

278
Amendment 278
In Relation to
The Militia

Mr. J. H.

Oct. 1848
Referred to the
Com. Military
Affairs.
Gen. Thoylot
Capt. Secy.

Nov 3. 48
Reported back with
Substitute Am No 485
Thornton
As per

Remuel
Rumey

In Relation To

MILITIA.

~~SEC. 1. The Legislature shall provide by law for the organization and discipline of the Militia in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.~~

SEC. 2. Except in cases of war or insurrection, the Legislature shall not authorize to be expended or appropriate more than twenty-five thousand dollars in any one year for organizing and disciplining the Militia, which shall include all salaries, all rents and disbursements of every character relating to the Militia of the State; and the care of the arms belonging to the State.

~~SEC. 3. The Governor shall have power to call forth the Militia to execute the laws of the State, to repress insurrection and repel invasion.~~

Introduced by
H. Kunnaber

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Amendment 279

Concerning
Corporations

Refers to
Gen. W. Thornton
Capt. Day
Oct. 14/71

Oct 30. of 8
Reported back + recom-
mend that no further
action be had

Thornton
Ass Rec

J. Demall

La corporations
J. C. Demall

Amendment 279
279 -

Dec

Individual citizens are hereby declared to be entitled to the same privileges as corporations in respect to the exercise of the right of eminent domain and the taking of private property for public uses. Railroad corporations in possession of any part of the public lands not necessarily required for conducting the business of such corporations shall on demand deliver to any citizen a conveyance of any part of such lands not exceeding 160 acres upon payment of the market value thereof and such citizen shall be entitled to all the privileges of land to his use as are now ^{not} enforced upon corporations ^{by law} O. C. D. Smith

281

Amendment 281

Miscellaneous

Concerning Ineligibility to Office

of Certain Persons, and State,

County, and Municipal Officers.

Oct. ~~13~~ 14/78

Refers to Com. on
Miscellaneous Subject

Geo. A. Thompson
Asst. Secy

Ream in Com
Draw

O'Sullivan.

Jan. 26-1879

Reported back with
outskitute amend-
ment, No. 536-

J. M. Wright,
Asst. Secretary.

Concerning Ineligibility to Office of Certain Persons, and
State, County, and Municipal Officers.

Section — No minister of the Gospel, priest, or preacher of any denomination whatsoever, shall be eligible to any office of trust or profit in this State. Provided, however, that persons who have abandoned those callings may thereby become eligible.

Sec. — No State, County, or municipal officer shall hold any other office of emolument — Commissionership or otherwise — during his term of office.

Sec. — The Legislature shall, in addition to other penalties, provide for the removal from office of county, city, town, and township officers, on conviction of wilful, corrupt, or fraudulent violation or neglect of official duty.

Sec. — The compensation of no State, county, or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.